

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EVELYN RYAN, *et al.*,

Plaintiffs,

-v-

LEGENDS HOSPITALITY, LLC, *et al.*,

Defendants.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>8/8/11</u>

No. 11 Civ. 3110 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

The parties last appeared before the Court at a pre-motion conference on July 1, 2011, at which time the Court directed the parties to conduct “very limited discovery on amount in controversy, which entails necessarily severance issues.” (Pre-Motion Conf. Tr., July 1, 2011, at 30:9-10.) The Court subsequently endorsed the Case Management Plan proposed by the parties for limited discovery on the issues of subject matter jurisdiction and severance. The Court is now in receipt of a joint letter dated July 27, 2011, setting forth a discovery dispute with respect to a subpoena Plaintiffs served on the New York Yankees seeking lists of all season ticket holders for the 2005 through 2011 seasons.

Upon careful consideration of the July 1, 2011 pre-motion conference transcript and the July 27, 2011 joint letter, the Court is satisfied that the issue of overlapping fact witnesses was raised at the pre-motion conference as relevant to Defendants’ contemplated motion to sever. (See Pre-Motion Conf. Tr., July 1, 2011, at 23:15-25.) Because a severance motion requires the Court to consider, *inter alia*, “whether different witnesses and documentary proof are required for the separate claims,” *In re Merrill Lynch & Co. Research Reports Sec. Litig.*, 214 F.R.D. 152, 154 (S.D.N.Y. 2003), some discovery with respect to relevant season ticket holders is

warranted. However, Plaintiffs' request for "lists of all Yankees season ticket holders for the 2005 through 2011 seasons" is overly broad, because it does not distinguish between relevant season ticket holders (*i.e.* those with field-level seats who received in-seat service) and season ticket holders generally. Accordingly, IT IS HEREBY ORDERED THAT Plaintiffs shall serve a modified subpoena limiting their request to season ticket holders with seats in the relevant field-level sections.

SO ORDERED.

Dated: August 8, 2011
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE